

1 ATKINSON, ANDELSON, LOYA, RUUD & ROMO  
A Professional Corporation  
2 David A. Soldani, State Bar No. 210302  
555 West Shaw Avenue, Suite C-1  
3 P.O. Box 5394  
Fresno, California 93755-5394  
4 Telephone: (559) 225-6700  
Facsimile: (559) 225-3416

5 Attorneys for Defendants RANDY THOMPSON PAINTING, INC.  
6 and RANDY RAY THOMPSON

7 UNITED STATES DISTRICT COURT  
8  
9 NORTHERN DISTRICT OF CALIFORNIA  
10  
11 SAN FRANCISCO DIVISION

12 BAY AREA PAINTERS AND TAPERS  
PENSION FUND, BAY AREA PAINTERS  
13 AND TAPERS HEALTH FUND, BAY AREA  
PAINTERS AND TAPERS JOINT  
14 APPRENTICESHIP TRAINING FUNDS,  
AND THEIR JOINT BOARDS OF  
15 TRUSTEES; LES PROTEAU AND  
CHARLES DEL MONTE, as Trustees; and  
16 DISTRICT COUNSEL 16 OF THE  
INTERNATIONAL UNION OF PAINTERS  
AND ALLIED TRADES,

17  
18 Plaintiffs,

19 vs.

20 RANDY THOMPSON PAINTING, INC., a  
California corporation, and RANDY RAY  
21 THOMPSON, an individual,

22 Defendants.  
23  
24

CASE NO.: C-07-4703 EDL

**SECOND REQUEST TO APPEAR  
BY TELEPHONE AT CASE  
MANAGEMENT CONFERENCE**

DATE: January 17, 2008  
TIME: 11:00 a.m.  
DEPT: 9  
JUDGE: Hon. William Alsup

25 Defendants RANDY THOMPSON PAINTING, INC. and RANDY THOMPSON  
26 (“Defendants”) respectfully request to appear telephonically, by and through their attorney, David  
27 A. Soldani, at the Case Management Conference now scheduled before Honorable William Alsup  
28 on January 17, 2008 at 11:00 a.m. in Department 9 of this court.

ATKINSON, ANDELSON, LOYA, RUUD & ROMO  
A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

555 WEST SHAW AVENUE, SUITE C-1

P.O. BOX 5394

FRESNO, CALIFORNIA 93755-5394

TELEPHONE: (559) 225-6700

FACSIMILE: (559) 225-3416

As set forth in the Declaration of David A. Soldani, concurrently filed with this request, good cause exists for a telephonic appearance in that Mr. Soldani's office is located in Fresno, California; therefore, the travel expenses and attorney's fees incurred by Defendants by making a personal appearance at the Case Management Conference would create an undue hardship for Defendants. Additionally, the travel expenses and attorney's fees incurred would constitute a significant percentage of the total amount in controversy in this action. Further, Mr. Soldani has other matters requiring his personal attendance locally on the same day as the Case Management Conference and, given the distance, would run the risk of missing those commitments or arriving late.

DATED: January 9, 2008.

By \_\_\_\_\_ /s/  
David A. Soldani, Attorneys for Defendants  
**RANDY THOMPSON** and **RANDY THOMPSON**  
**PAINTING, INC.**

**PROOF OF SERVICE**

My business address is 555 West Shaw Avenue, Post Office Box 5394, Fresno, California 93755. I am employed in Fresno County, California. I am over the age of 18 years and am not a party to this case.

On the date indicated below, I served the foregoing document(s) described as **SECOND REQUEST TO APPEAR BY TELEPHONE AT CASE MANAGEMENT CONFERENCE** on all interested parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

Muriel B. Kaplin, Esq. Fax No.: (415) 882-9287  
 Michele R. Stafford, Esq.  
 SALTZMAN & JOHNSON LAW CORPORATION  
 120 Howard Street, Suite 520  
 San Francisco, California 94105

\_\_\_\_\_ (BY MAIL) I am readily familiar with the business' practice for collection and processing of correspondence for mailing, and that correspondence, with postage thereon fully prepaid, will be deposited with the United States Postal Service on the date noted below in the ordinary course of business, at Fresno, California.

\_\_\_\_\_ (BY PERSONAL SERVICE) I caused delivery of such envelope(s), by hand, to the office(s) of the addressee(s).

  X   (BY ELECTRONIC MAIL) I caused such documents to be scanned into PDF format and sent via electronic mail to the electronic mail addressee(s) of the addressee(s) designated.

\_\_\_\_\_ (BY FACSIMILE) I caused the above-referenced document to be delivered by facsimile to the facsimile number(s) of the addressee(s).

\_\_\_\_\_ (BY OVERNIGHT MAIL) I caused the above-referenced envelope(s) to be delivered to an overnight courier service for delivery to the addressee(s).

EXECUTED ON January 9, 2008, at Fresno, California.

\_\_\_\_\_ (STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

  X   (FEDERAL) I declare that I am employed in this office of a member of the bar of this court at whose direction this service was made.

\_\_\_\_\_  
 /s/  
 L. Lynne King